

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3 to 11, 14 to 16, and 20-23 are pending.

The Applicants appreciate the Examiner's indication that claims 9, 11, 15 and 16 are allowed.

The rejected claims have been amended to further distinguish over Lewis.

More specifically, the rejected independent claims (except for claim 20) have been amended to recite that an outer dimension of the elongated member is substantially equal to an inner dimension of the insertion tube at the distal end of the insertion tube and said outer dimension and said inner dimension are configured such that flow of blood between said outer dimension and said inner dimension is prevented when the elongated member is inserted into the insertion tube. Claim 20 has been amended to recite that the opening at the extreme end of the distal end portion is plugged. These changes are supported by for example Figure 2.

As discuss in the March 28, 2007 response, a purpose of the described arrangement is to place an end of insertion tube 10 a set distance within blood vessel 8. Once the end is positioned at the set distance within blood vessel 8, guide rod 5 can be removed and the arrangement of Fig. 6 (please see markup enclosed with the March 28 response) can be used to deploy a device into the blood vessel 8 via the path resulting from the removal of guide rod 5.

In order to position the end, the insertion tube 10 is inserted beneath the skin and into the blood vessel until blood meniscus 28 appears in the appropriate portion of the device. When the blood meniscus 28 first appears, this means that opening 11 is positioned just inside the blood vessel. In order for this arrangement to work, opening 11 has to be the only opening in insertion tube 10. Thus, an outer dimension of the guide rod 5 (the elongated

member in various embodiments) is substantially equal to an inner dimension of the insertion tube 10 at the distal end of the insertion tube 10 and said outer dimension and said inner dimension are configured such that flow of blood between said outer dimension and said inner dimension is prevented when the elongated member is inserted into the insertion tube. When the end of the insertion tube is effectively plugged, this leaves opening 11 as the only opening of the insertion tube 10.

These features are clearly not disclosed or suggested by Lewis. As shown, for example, in Lewis Fig. 8B, guide wire 16 is significantly smaller in diameter than the opening at tip 14b, 70b of the Lewis device. This is a necessary feature of the Lewis device, because Lewis relies on blood flow through opening 14b, 70b, as described, for example, in col. 5, lines 38-42 and col. 7, lines 40-48 of Lewis.

Because at least these features are not disclosed or suggested by Lewis, the amended claims are clearly patentable over Lewis.

Applicants believe that there are other differences between the claims and Lewis as well, but it is believed that the amendment renders a discussion in this regard moot.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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